

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO
JUNE 22, 2010**

WORK SESSION

A Work Session of the Board of Trustees convened at 6:05 PM on Tuesday, June 22, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado. Present were Mayor Joel Benson, Jerry Steinauer, Keith Baker, Duff Lacy, Norm Nyberg, Carrie Carey, Robert Flint, Town Administrator Sue Boyd, Town Attorney Jeff Parker, Town Planner Shannon Haydin and Town Clerk Diane Spomer.

Attorney Jeff Parker led the work session on Public Official's Liability detailing powers, duties and the Role of the "Trustee" position; governmental immunity; voting; open meetings law; open records act; legislative, quasi-judicial and administrative actions.

A discussion followed on constructing agendas and the fluctuation of the number of items from meeting to meeting; "piling" the agenda and not having time to discuss the actual items; continuation of hearings to a "date specific". The work session concluded at 6:51 PM.

CALL TO ORDER

The Regular meeting of the Board of Trustees was called back to order at 7:02 PM on Tuesday, June 22, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Joel Benson. Present were Trustees Jerry Steinauer, Keith Baker, Carrie Carey, Norm Nyberg, Duff Lacy, Robert Flint, Town Administrator Sue Boyd, Town Attorney Jeff Parker, Town Planner Shannon Haydin, Public Works Director Roy Gertson, Town Engineer Rachel Friedman and Town Clerk Diane Spomer.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Benson led in the Pledge of Allegiance.

AGENDA ADOPTION

Trustee Steinauer under Old Business as Item C "Discuss the restrooms in S. Main".

Trustee Carey expressed that the Street Closure request for the 4th of July Parade should be noon.

Motion #1 by Trustee Flint, seconded by Trustee Nyberg, to adopt the agenda as amended. Motion carried.

SPECIAL PRESENTATION

Gail Nottingham, Optimist Club President, gave a brief background of the Club and their mission; noted achievements over the years; funds are set aside every year for a substantial project for the community and presented the Town with a check for \$11,000.

Earl Richmond, Buena Vista Whitewater Project, presented a check of \$8,600 to the Town from contributions from the community that raised funds over awareness of the park over the last 6 months; gave a little history of the river park and its features that is now the largest in the state of Colorado. Earl thanked the Town for their support and noted visitors getting a "positive recreation experience" here.

CONSENT AGENDA

A. Minutes

1. Regular Meeting – June 8, 2010

B. Advisory Boards

1. Planning & Zoning Commission

C. Street Closure Request

1. Should the Board approve a request from the Chamber of Commerce to close E. Main Street from 10 AM – noon on July 4, 2010, for the Annual 4th of July Parade?
2. Should the Board approve a request from Tom White to close E. Main Street from 8:30 AM to 9:00 AM on July 4, 2010, for the annual Independence Day 5K Race?

Trustee Carey noted the time of the first street closure should be 10AM – 2 PM since the parade starts at noon.

Trustee Steinauer referenced page 1 of the minutes under CIP and asked if anyone touched on the hangar being purchased by one of the Net Jet type companies that fly into Buena Vista. Sue stated it did not get a lot of discussion but was noted in a report. Jerry felt to purchase one now would be costly and the Town needs storage but not a hangar that large.

Motion #2 by Trustee Flint, seconded by Trustee Carey, to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

Chuck Quenon, Chaffee Properties, stated that the last 9 months he has tried to petition the Chaffee Fire Protection District to be removed from their District and went to District Court; the Town has to be present since he does not have a say on where his tax dollars go; as part of his development Chuck put in seven hydrants, over a mile of water line, annexed into the Town and thought jurisdiction would take care of fire protection and asked for the Town's support in District Court by outlining that the Town Fire Dept. can service his project; felt the CCFPD is trying to set a precedent on annexations and is paying dual taxation for the same service.

William Malone, resident of Park County in Bailey, CO., stated he will be filling out an application for a Marijuana Center in Buena Vista and expressed some concerns about operating one based on the Town's ordinance and HIPPA law; he will be bringing 110 patients over to Buena Vista; asked if the Town would reconsider the 500 ft. rule as his proposed location is 510 feet from the high school and 540 from the elementary school, is willing to fence and lock; noted he had a dispensary in Jefferson County and the laws changed so he had to move.

RESPONSE TO PUBLIC COMMENT

CHUCK QUENON COMMENTS: Trustee Steinauer was not sure if the Westmoor Subdivision was out of the District. Trustee Nyberg stated Westmoor did petition and they were turned down and are still fighting the battle.

Administrator Boyd noted staff discussed this with Chuck and suggested the Board spend some time understanding how the two Fire Depts. work and decide how to proceed. This item was discussed several times in joint work sessions with the County. This item will be followed up on at another agenda.

WILLIAM MALONE COMMENTS: Attorney Jeff Parker stated the patient ledger would have to be relooked at, felt it is legal but will look at it more carefully before providing an opinion. Discussion held on the Trustees can adopt any limitation they want, the ordinance can be amended but not for meeting the July 1 deadline.

OLD BUSINESS

CONTINUATION OF PUBLIC HEARING – Should the Board approve adoption of Ordinance #8, Series 2010, entitled **"AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, AMENDING SECTION 18 ARTICLE VI FIRE CODE TO ADOPT THE PROVISIONS OF THE 2006 INTERNATIONAL FIRE CODE"**?

Town Planner Haydin asked for guidance on moving forward with adopting the 2006 IFC that has two components: operational permit for storing chemicals, gases and construction permits; currently we just deal with construction permits but not storage of chemicals. Shannon spoke with Darrell Pratt who sees value in operational permits but it could be a substantial amount of time and our new Fire Inspector feels there is value to them; Chaffee County and Salida deleted that section; the Town could look at specific components to see which would make sense and bring back an ordinance and asked for feedback of the recommendations outlined in her memo.

Mayor Benson opened the public comment portion of the hearing at 7:29 PM.

Charles Quenon, 18450 Via Ponderosa, expressed that Fire Codes can be a real hindrance to any type of economic development; a rural area like ours cannot afford to adopt this code; the County does not have an inspector/Marshall with enough knowledge to enforce the 2006 IFC so the State regulates the code because they are qualified (example: stipulations for awnings having a sprinkler system with specific pressure needed). Chuck noted in his experience the fire code was a huge cost over run – his architects were blind sighted when the inspector came and told them what they needed and the cost associated with it; the Fire Marshall and Fire Chief do not know which entity has jurisdiction on projects regarding what is required on fire mitigation; if the code is adopted there is a need for personnel knowledgeable enough to abide by the 2006 IFC and noted the redundancy and expense involved.

John Cogswell, 10599 CR 350, endorsed what Chuck said; has a personal philosophy that a Government should not pass a law unless they can answer if it is needed or can they manage it so that it is respected and asked Council to not pass what we do not want or need.

Elmer Olinger, 14980 CR 350, Bill Woodhouse called him today, an 18 year Fireman, who said if we build senior housing who would rescue people if there was a major disaster and felt our Fire Dept. would fold. Elmer stated the CCFPD was decorated for their experience and suggested the Trustees have a work session to evaluate Fire Depts. to find out what they are capable of and what they can do.

With no other comments received Mayor Benson closed the comment portion of the hearing at 7:26 PM.

Shannon Haydin noted the Town is under the 1991 Fire Code; the 2006 IFC is a sister to the IBC and the IRC giving some overlap to construction and has some level of fire protection in the Town if we do not adopt the 2006 code; Shannon suggested the Town could repeal the 1991 Code as it creates a liability to the Town and had asked contractors to read the new code and provide input and added that our new Fire Inspector is familiar with this code.

Discussion followed on urgency due to liability insurance requirements with having a Fire Code; Shannon should discuss with Chuck, contractors, the Fire Inspector and Fire Depts. to see what we need and don't need; adopt the Int'l Fire Code and make amendments to it; don't craft a document that doesn't apply to our community and hamstringing construction and economic development; impacts to refurbishing old buildings.

Motion #3 by Trustee Flint, seconded by Trustee Lacy, to table the Ordinance to another date until we have more information. Motion carried.

CONTINUATION OF PUBLIC HEARING – Should the Board approve adoption of Ordinance #17, Series 2010, entitled **"AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA,**

COLORADO, ADDING A NEW CHAPTER 19 TO THE BUENA VISTA MUNICIPAL CODE REGARDING RULES AND REGULATIONS FOR THE CENTRAL COLORADO REGIONAL AIRPORT"?

Sue Boyd stated the intent when this item was discussed was to add language to enforce the Rules and Regulations that were understood were in effect at the time and that we should look comprehensively at the Rules and Regs; the Airport Commission has had some discussions but has not had opportunity to complete the discussion or to get feedback to any stakeholders that would be affected by this. Staff does not feel this is ready to adopt yet; the draft is similar to Garfield County Airport's; in 2006 the Town adopted Airport Rules and Regs but we discovered no action was taken to repeal the 1991 Rules and Regs so we have two sets and as we move forward we can deal with these issues.

Mayor Benson opened the public comment portion of the hearing at 7:45 PM.

Lee Lechner, 30946 CR 356, operated an aircraft since 1996, read the Rules and Regs in the packet and found them to be a vast improvement from the current ones; noted items about action/operation of the airport and asked the Trustees to let the aviation community have time to review them and follow staff recommendation.

With no other comments received Mayor Benson closed the comment portion of the hearing at 7:46 PM.

Motion #4 by Trustee Steinauer, seconded by Trustee Nyberg, to continue the Public Hearing to August 24, 2010. Sue added that a meeting will be scheduled in August with airport tenants so they can see the draft and that was the intent of the August 24 continuation. Discussion held on the old Rules and Regs were codified but the new ones adopted by Resolution were not codified and are not enforceable in Court. Trustee Carey voted against. Motion carried.

DISCUSSION OF THE RESTROOMS AT S. MAIN

Trustee Steinauer, noted he was not at the last meeting when the Board tied the restrooms to the building permit for the hotel; stated the hotel could come rather rapidly, however, it could happen next year or later and expressed the issues of attaching it to another event - you have to draw on a building permit to build the restrooms. Jerry referenced a paving project in Buena Vista years ago where a finality to a development was paid for by the taxpayers of BV because one lot was not sold (it was to be paved by the developer upon completion of the sell-out); expressed his desire that this item be reconsidered at the next meeting and discuss "standing on its own merit", when it is needed, and not whenever the hotel might be built. Trustee Carey noted Council discussed this item, felt it should be tied to the hotel, there are port-o-potties doing the job now and if there were special events we would add more port-o-potties.

Discussion held on staff believed at the last meeting the Trustees felt the Development Agreement language was vague and did not want to keep revisiting this item, for the time being staff needs to pay attention to the number of port-o-potties needed especially with special events and look at an amendment to the Development Agreement to create a trigger out of development of the hotel to require the developer to construct the restrooms; mechanisms being put in place to ensure that construction of the restrooms occurs so the taxpayers do not have to pay for it.

Motion #5 by Trustee Steinauer, seconded by Trustee Flint, to put this item on the next agenda for reconsideration. Trustees Lacy and Carey voted against. Motion carried.

NEW BUSINESS

Should the Board approve adoption of Resolution #69, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE THIRD AMENDMENT TO THE PRE-ANNEXATION AGREEMENT WITH CHAFFEE PROPERTIES**"?

Attorney Parker led the discussion on an amendment to the Pre-Annexation Agreement with three changes to the current ADA: 1) The index was changed - the Town increased sales tax would have gone directly to True Value as an increase in sales tax to the store so we revised sales tax so that it does not actually go toward True Value's Development but goes to the Town. 2) How it is indexed: the old agreement required that the base year amount on which enhanced sales tax is calculated (any increase above a base share amount) goes to True Value but we revised the agreement so that as the CPI changes the base year amount is adjusted also and goes to True Value. 3) Any increase in sales tax revenue from a new grocery store at the True Value site would be calculated on the increase of tax from the True Value store plus sales tax from City Market in Town - we do not want to give all the sales tax to the new grocery store.

Sue Boyd added that Chuck concurred with provisions of the agreement as presented and they understand the unintended consequences of the original agreement; other things discussed were preparation of infrastructure for acceptance and we are in agreement to the fees due

Chuck Quenon noted that any rebates go to Chaffee Properties and not True Value; he is trying to pursue a grocery store at the site; his intent is to provide a mechanism to recoup close to the \$600,000 of infrastructure they put in and advised they might get back \$200,000 over 13 years based on proposals; saw problems with the way the CPI was applied to the base tax and they have fine tuned what was already brought to the table.

Motion #6 by Trustee Lacy, seconded by Trustee Baker, to approve Resolution #69, Series 2010.
Motion carried.

PUBLIC HEARING – SHOULD THE BOARD APPROVE A REQUEST FOR A VARIANCE TO CONSTRUCT A PERSONAL TELECOMMUNICATIONS FACILITY, ALLTEL COMMUNICATIONS

Town Planner Haydin outlined the request to place a cell repeater tower at 755 Gregg Drive near the Public Works building covering 25 square feet; the request is a variance to the height; the current code allows cell towers as a use by right but the applicant needs to meet dimensional requirements and the maximum height is 35'; they are requesting an 80' tower with a lease agreement in the I1 Zone District; without the variance the tower will not be feasible to work and staff finds the request meets the standards of Sec. 16-61 of the code; P&Z reviewed the application at a regular meeting and recommended approval with no conditions.

Mayor Benson opened the public comment portion of the hearing at 8:14 PM.

Doug Constance, 116 Windwalker, expressed interest in the height of the antenna being erected; referenced material he read on the height being comparable to structure heights at the ACA property and wanted more detail to understand what this tower will look like in comparison.

With no other comments received Mayor Benson closed the comment portion of the hearing at 8:16 PM.

Jeremy Mironas, Tower Engineering Professionals on behalf of the applicant, advised this is an 80' wood pole and the antenna is 4' above that; did not know the exact specification of the code number but it is in compliance with height as it is an appurtenance above the structure height. Jeremy noted this is a use by right to allow personal telecommunication facilities in an industrial area; it is a cell repeater that receives a signal from a cell tower that strengthens the signal and rebroadcasts through the antenna for communicating with cell phones, etc.; the line of site in Chaffee County is 50 feet but needs a 30' separation of donor antenna and service antenna to bring service to cell phones without interruption.

Discussion followed on they are 100 foot poles that are cut to the 80' height and sit 80' above ground; FAA determination was done in 2008 and it is below FAA recommendation on height and below penetration level for lighting; the location is outside the APO.

- Should the Board approve adoption of Resolution #70, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING AND APPROVING A ZONING VARIANCE FOR THE PLACEMENT OF AN 80-FOOT TALL PERSONAL TELECOMMUNICATIONS FACILITY ON PROPERTY LOCATED AT 755 GREGG DRIVE"?

Motion #7 by Trustee Flint, seconded by Trustee Steinauer, to approve adoption of Resolution #70, Series 2010. Motion carried.

SHOULD THE BOARD APPROVE A REQUEST TO WAIVE THE APPLICATION FEE FOR A SPECIAL USE PERMIT FOR KID GARDEN, JEAN BORNE

Shannon Haydin noted the applicant is asking for a waiver of the application fee and is at Council's discretion.

Jean Borne, 13674 Schoger Road, Nathrop, stated she is in the process of making application for a Special Use Permit for a day care facility on CR 317 that was used as an education facility previously and they requested a waiver also; she is starting up an operation and needs "a break".

Discussion held on the fee is \$150; Jean has a few applications for students; the cost to students is \$4000/year or \$2000 for a half day and can have only 10 kids; Jean Borne noted her qualifications to teach and uses a Montessori curriculum with a special reading program;

Motion #8 by Trustee Carey, seconded by Trustee Baker, to not waive the fees. Discussion held on setting a precedent on waiving fees for opening a new business and all new businesses pay licensing fees. Roll call vote: Steinauer-aye, Carey-aye, Nyberg-nay, Flint-aye, Baker-aye, Lacy-aye. Motion carried.

PUBLIC HEARING – SHOULD THE BOARD APPROVE A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A LICENSED DAY CARE CENTER, KID GARDEN, AT 28395 CR 317, JEAN BORNE

Shannon Haydin stated the code is ambiguous on "child care"; this is a use in an industrial area; the BOCES school was operating at the same location in years past; across the street is a B2 District with offices and medical clinic; two buildings are on the property – one is a Yamaha dealer; modifications to the property will need to be made (a fence at the rear; state licensing requirements have to be met; the Fire Inspector will look at fire code changes to the internal building; must meet building and health dept. requirements); there is sufficient parking on the property; two points of access are off CR 317; building set-backs are exceeded; P&Z on June 2 reviewed and recommended approval with a condition that the Special Use is unique to the applicant and not the property.

Mayor Benson opened the public comment portion of the hearing at 8:33 PM.

Doug Constance, 116 Windwalker, felt if there are options recommended cannot be transferred with future owners of the property without approval by P&Z and Town Trustees since you might want to sustain the use if the property is sold.

With no other comments received Mayor Benson closed the comment portion of the hearing at 8:34 PM.

Discussion held on ownership of the property and the Barr's gave permission for the use; a well and septic system service the property. Shannon noted that if the property is within 400 ft. of a water main the property needs to be connected, staff recognizes the instance of this in Town and if we want a process to get them connected or not connected, we will be pursuing it. Discussion continued on getting the

properties connected as they come forward; staff will follow-up on this issue; Section 1 (a) of the Resolution should say "future owners of the business".

- Should the Board approve adoption of Resolution #71, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA COLORADO, APPROVING A SPECIAL USE PERMIT FOR JEAN BORNE, TO ALLOW A CHILD CARE CENTER/PRE-SCHOOL ON A PROPERTY LOCATED AT 28395 COUNTY ROAD 317 SAID PARCEL BEING LOCATED WITHIN THE TOWN LIMITS OF THE TOWN OF BUENA VISTA, COLORADO"?

Motion #9 by Trustee Steinauer, seconded by Trustee Carey, to adopt Resolution #71, Series 2010, with the condition and language change of "future owners of the business". Motion carried.

A recess was taken from 8:40 PM to 8:45 PM

PUBLIC HEARING – TO CONSIDER AN AMENDED APPLICATION FOR SKETCH PLAN, DEVELOPMENT PLAN AND PUD PLAN, THE MEADOWS AT BUENA VISTA, INC., LONESOME PINE HOLDINGS LLC, JEFFREY & THERESA ALLEN

Trustee Carey declared a conflict and left the table.

Sue Boyd noted the project will be developed in phases; the dilemma is that the PUD addresses the entire property but the Sketch Plan has been reduced to a focus on the eastern portion of the meadow; the Development Agreement will govern the development of the entire property and the Sketch Plan is for a piece of the property.

Attorney Jeff Parker noted Council is being asked to approve a PUD amendment, a Sketch Plan for a portion of the property and to approve an amended Annexation and Development Agreement that accounts changes to the PUD. The Public Hearing is for the PUD and Sketch Plan and then to the ADA.

Planner Haydin noted the changes to the Sketch Plan with a need to review roads and general layout; the Sketch Plan received in May focused on the eastern portion of the property and noted the applicant is asking for a church site, senior living facility, little houses/cottages and a medical clinic with a layout on one new road; P&Z reviewed the revised sketch plan on June 16 and recommended approval with some conditions as noted in Shannon's report. Shannon outlined the 277 acres with proposed clusters in the development; has lower density than what was previously approved; there are three zone districts with mixed use and residential, senior living, church area and hospital site, retail site area and HOA open space uses in the middle of the property; single family residential with open parks and fishing access, one acre dog park. The applicant is asking for approval of zoning the western part of the meadow as agriculture with a plan in the future to rezone; there will be open space adjacent to Cottonwood Creek; the PUD Regulating Plan notes uses allowed but changes where they are located in the land.

Mayor Benson opened the public comment portion of the hearing at 9:05 PM.

John Cogswell, 15099 CR 350, stated that hindsight revealed a few errors in the planning process but he planned to do the property in the right way and has a vision for the whole property; since 2005 the economy took a turn and most home builders are broke and not building and as a result he is in an economic squeeze; they contemplated a golf course in 2009 but things are worse now. John noted that David Clinger has revamped the plan to allow for current economic conditions; by freeing up the western part of the meadow it gives flexibility to develop the property and sell some land for farming and have a chance of obtaining financing or selling; 592 units previously approved remains the same; the basic open space (farm, open space or golf course) will remain 103 acres but reduced the size of the farm to 45 acres. John outlined David Clinger's credentials and experience.

David Clinger, 21759 Cabrini Blvd. Lookout Mtn., CO, outlined the applicant is asking for approval of a PUD Plan and Sketch Plan for the east side of the Meadow; the Plan is a mix of all types of units based on principal of living in a small town and values that we love in a small town. David outlined the specifics of the development and types of housing; designed with open space in all back yards and stated 70% of buyers will come from Denver.

Carol Noble, 15793 Birdie Lane, felt this was a much more agreeable plan than before and asked about boundaries on the SE section and asked about the water plan. David note the golf course is to the west.

John Cogswell noted there are 115 water taps; the balance of the water will come through a Metro Water Service District conditionally approved by the Town; they will buy Arkansas Valley water from UAWCD via a well and then piped to the project.

With no other comments received Mayor Benson closed the comment portion of the hearing at 9:29 PM.

Town Planner Haydin requested that if approved the PUD should be approved first.

- Should the Board approve adoption of Ordinance #18, Series 2010, entitled "AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE AMENDED PUD DEVELOPMENT PLAN AND REGULATING CODE FOR THE VILLAGES AT COTTONWOOD MEADOWS"?

Discussion held on open space, trails and riparian preservation are attributes of the project; concern of irrigation water and protecting the Leesmeagh ditch pursuant to the court decree and to protect the Town's water that is acquired out of the ditch.

Motion #10 by Trustee Flint, seconded by Trustee Baker, to approve adoption of Ord. #18, Series 2010. Motion carried.

- Should the Board approve adoption of Resolution #72, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE AMENDED SKETCH PLAN FOR THE VILLAGES AT COTTONWOOD MEADOWS"?

Motion #11 by Trustee Steinauer, seconded by Trustee Flint, to approve adoption of Resolution #72, series 2010. Motion carried.

SHOULD THE BOARD APPROVE A REQUEST TO AMEND THE ANNEXATION AND DEVELOPMENT AGREEMENT, THE MEADOWS AT BUENA VISTA, INC., LONESOME PINE HOLDINGS LLC, JEFFREY & THERESA ALLEN

Administrator Boyd noted staff has been preparing the amended document that was placed on the table, the ordinance and amendments with attachments were explained in the memo as presented. The amendments (to what was already approved through the ADA) reflect changes Council just considered as part of the Sketch Plan and PUD Zoning; other changes were minor; the challenge was that the original agreement was drafted to complement the specific plan and now you have an agreement that governs the obligations of the Town and Developer as the rest unfolds on a phase by phase basis; there is new language that governs community supported agriculture and ensuring there would be irrigation water to support that use regardless of where CSA would ultimately be located on the property; staff reviewed for water and infrastructure elements; there was significant attention paid to the Town's ability to convert Leesmeagh water rights to municipal use not being impacted by what the developer wants to do; these

items have been addressed in the ADA; there are some unknowns as to what might be feasible as the process unfolds and progresses through phasing.

Attorney Parker noted the changes are in section 3 addressing the number of units; the water issue is in 11 (g) on page 33; Mr. Cogswell requested a language on page 32, the 1st paragraph therefore...."if all or any portion of the CSA parcel is located in Parcel 4, the following procedure will be followed" and the rest remains....; on page 33 at 8 we added "if by reason of the foregoing provisions any part of the CSA parcel located in parcel 4 cannot be irrigated the Town agrees to cooperate with the Developer as necessary under applicable law to permit Developer to assign to the Town and the Town to accept such dry acreage as Developer may separately have or be able to have in order that the CSA parcel can be irrigated; provided that nothing will prohibit the Town from completing dry-up if necessary to fully utilize its interest in Leesmeagh Ditch water for municipal purposes" - all parties have agreed to add this language.

Shannon Haydin asked that the final version of the ADA include the following language "The Developer agrees that trails shall extend throughout the property to be demonstrated at the time of Preliminary Plat, and there shall be a trail extending across the entire property t the time of final plat approval" and Mr. Cogswell has agreed that we can make those modifications.

Discussion followed on page 43 there is a typo of Mayor Cara Russell; revisions will be provided to the Trustees upon completion; Cyndi Covell and Trish Flood have reviewed and approved the language changes.

- Should the Board approve adoption of Ordinance #19, Series 2010, entitled "**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING AN AMENDED ANNEXATION AND DEVELOPMENT AGREEMENT WITH THE MEADOWS AT BUENA VISTA, INC.**"?

Motion #12 by Trustee Flint, seconded by Trustee Lacy, to adopt Ord. #19, Series 2010 as amended as described by Town Attorney Jeff Parker and Planner Haydin. Motion carried.

Should the Board approve adoption of Resolution #73, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING AN EASEMENT AGREEMENT WITH THE GUNSMOKE FOR INSTALLATION OF AN UNDERGROUND PIPELINE**"?

Administrator Boyd noted this easement agreement is related to discussions last year regarding construction of a pipeline across the Arkansas River and extending the pipeline across the property to get to Hwy. 24 where the Town can put it to use.

Town Engineer Friedman referenced page 171 and noted the pipeline is built and the property donated and we just need the easement signed; the pipeline that runs NW along the property between the Gunsmoke and Nestle needs to be built; this is one easement for what has been built and for future pipeline.

Sue added that as part of compensation we contemplated future taps to the Hansen's. Rachel noted the Hansen's do not know what they will build there, they asked for three taps, we discussed sizes 2-3/4" taps and one 1" will suffice; if they need larger taps in the future when they build they will pay the difference and this is in the easement agreement; the total is \$18,500 for the taps and staff feels it is a safe size for the easement. Attorney Parker noted Mr. Hansen's attorney discussed compensation and what it should be; these taps can be used on any of the 5 parcels they own; at any time after they sign the agreement we have no obligation to provide the taps until there is water in the pipeline.

Discussion held on \$35,000 has to be given to Mr. Hansen or the value of taps whichever is higher until the water is being used.

Motion #13 by Trustee Baker, seconded by Trustee Steinauer, to approve adoption of Resolution #73, Series 2010. Discussion followed on prorating language being added; approve with amend to include language to address a pro-rata share allocation per tap.

Trustee Baker amended his motion, seconded by Trustee Steinauer, to include the wording as amended by the Town Attorney "to address a pro-rata share allocation per tap". Motion carried. Trustee Nyberg voted against.

DISCUSSION OF THE BUDGET FOR THE AIRPORT FUND

Sue Boyd stated this was originally to be discussed during a work session but is included for discussion of a draft budget or starting point for an amended budget for 2010 and contemplate 2011's budget; focus is on the operating deficit and capital issues with a \$127,583 deficit for 2010 based on changes made so far and we expect it to be reduced to about \$100,000.

Christine DeChristopher outlined how the budget was prepared; the cost of goods sold is mostly fuel sales; 2010 and 2011 have very few revenues; the first 4 months of the year were more expensive than the rest of the year; due to terminal construction there were few conference room rentals; we have no hangar revenue forecast for 2010 and 2011; Work Comp insurance is based on wages and that has come down; personnel expenditures were cut in half; outlined operating services, utilities and maintenance expenditures; noted costs associated with the HVAC unit with hopes of lower costs based on recent renovations; half of the deficit for 2010 was generated in the first half of the year.

Discussion followed on the total deficit will be 162,031 for 2010 and will be reducing to \$105,724; the period of time when fuel sales were low; how much is the Town able to spend to keep the airport viable; we have one submittal for FBO that was submitted after the deadline and do we want to extend the deadline; 2004, 2005 and 2006 figures are audited numbers. Council asked staff to review the RFP and see if it is realistic and to prepare the budget based on the draft presented and incorporates the changes.

SHOULD THE BOARD APPROVE THE CAPITAL IMPROVEMENT PLAN FOR THE CENTRAL COLORADO REGIONAL AIRPORT?

Administrator Boyd noted the costs outlined were based on estimates from Aviation and a few by staff; card reader locks and security cameras were discussed at another meeting; in order to do more than what is going on now a sewer lift station will have to be installed but is not grant funded; these are projects that are important to not overlook and important to submit to CDOT to keep them aware of our concerns; key items to be turned in are the ones with a price tag and projected year of expenditure and asked for feedback from Council.

Discussion followed on repairs to the roof and having someone look at it for input; \$600,000 entitlement funds will be given to BV in 2012; land acquisitions are hard to pin-point; prioritization of the projects and putting them in an order to generate revenue; the dates determine the priority; a possible lease purchase on the Mandes hangar; the CIP is due July 8; grants will need to be applied for on the projects.

Motion #14 by Trustee Carey, seconded by Trustee Lacy, to direct staff to proceed. Motion carried.

DISCUSSION OF THE TREE CARVING PROJECT

Christine DeChristopher stated she needed a theme or direction from the Board to proceed; a theme of heritage was discussed.

Discussion held on putting miners on the front and kayakers on the back; there are two trees to be carved (Columbine and McPhelemy Park); the tree at McPhelemy is a cottonwood and a ponderosa pine at Columbine; a cottonwood tree is not suitable for carving. Staff will check with the carver about the cottonwood and longevity. Discussion continued on the tree and burro and the other a kayaker. Consensus was a theme of railroad and mining.

STAFF REPORTS

TOWN ADMINISTRATOR

Administrator Boyd had the following items to cover:

- A Water Work Session is scheduled prior to July 13 meeting and the Leesmeagh dry up will be provided.
- July 8 is confirmed for the G402 NIMS Training at 6 PM in Salida and they want a count. Trustees Lacy, Nyberg, Flint and Baker will attend.
- We are tentatively talking about advisory boards doing their annual reports on July 27 in preparation of the budget discussions.
- Staff had discussions with a gentleman about San. Dist. fees becoming a barrier to do economic development. Bob Flint said they told him what the new fees and tap fees would be, he sounded negative and they will keep an eye on it. Sue added that Millie Austin has abandoned her plan because of this issue. Bob added that contracts with the water board clearly state they cannot lower fees and if they lower fees or give away a tap fee they can say we owe them money which they do not have.
- Christine DeChristopher represented the Town at a public meeting in Salida tonight on the County Wide Use tax; another one will be held in Buena Vista on June 29 at 6 PM in the Pinon Room.
- To make sure special events have port-o-potties, the Chamber agreed to put two downtown for the parade; the circus agreed to provide two; the Legion is asking for the Town to pay for two for the 4th of July - the cost is \$80/day. Trustee Flint abstained from the discussion. Council was not inclined to assist in the cost.
- Trustee Lacy noted issues with people connecting to Town water if located within 400 ft. of a water main. Roy Gertson stated that he identified several buildings/residences that were not hooked to the water and Administration sent letters to them that at point of sale they would have to hook on. Discussion followed on how to follow up with closings on the properties and making them tie in; sending letters telling owners they have 30 days to hook on but it is costly. Staff will research and bring the item back before the Board.

AIRPORT MANAGEMENT

Administrator Boyd had the following items to cover:

- Activity has picked up significantly in the last two weeks; they ran out of tie-downs the other day.
- Trustee Carey spoke with the Chamber about holding a membership meeting at the airport in October (Membership Banquet) to show off the new airport.
- Sue will gather info on the FBO submittal to see if it is viable to bring them in before next season or aim for next season.

TOWN TREASURER

- We are planning a Strategic Planning Session in July; Aug 17 we could have an evening session to do the CIP – 5 yr. plan based on strategic planning session.
- We need to do an operating budget work session the end of September (18, 25 or Oct 2) and will be presenting the budget at the October 12 meeting. Oct. 2 is the desired date thus far but will be finalized later.
- Attended the Sales Tax meeting hosted by the County; a group in the county is opposing the county wide tax arguing that people who live in municipalities should not be allowed to vote on this; it was attacking to the City of Salida and Dennis Giese will be here next week.

TOWN PLANNER

- Shannon asked for Council's thoughts about P&Z's approach on fences. Discussion followed on the deer issue in Town and wildlife fences; the code allows for a variance to have a fence over 6' but a lot of administrative time will be spent with little result or it can be approved administratively; P & Z decided to leave the code as is; the cost of a variance is \$150. Council decided to review the current code.
- Shannon has been getting temporary sign applications for the special events (rodeo) and they put signs up on the town signs and asked for input from Council. Council felt it was OK.

TRUSTEE/STAFF INTERACTION

- Trustee Nyberg asked about the water line on Yale. Roy will meet with Sue after the CML conference, will meet with the owners and then update the Board.
- Trustee Steinauer asked about the phone system and meetings on how to take care of it and suggested staff meet to decide who will answer the phone. Jerry wanted to see someone expound on the water commission relating to water rights, look into it in-depth and do something about water being taken care of other than the Board of Trustees who changes continually; feels we need someone as an expert outside of the water attorney who is directly attached to the Town. On the Mandes lease purchase Jerry wanted Dave to make a few calls to see if he can get one Net Jet person interested in buying the hangar to see if it might work.
- Trustee Carey had a citizen ask about speed bumps on James Street and she will talk to Jimmy tomorrow about it.
- Trustee Lacy asked if staff considered a condo type deal where we can have two owners in a single building to get people in the buildings downtown. Shannon- noted that in Buena Vista a building can have as many owners as they want.
- Trustee Benson noted a vendor that showed up at the Texaco who is selling back packs, notified a police officer who felt there was no guideline since they were on private property. Shannon will follow up with the Police Dept. Joel referenced the approval for the parade closure and the time. Attorney Parker suggested Council approve and deal with at this time.

Motion #15 by Trustee Baker, seconded by Trustee Nyberg, to approve the street closure from 10AM to 4 PM. Motion carried.

ADJOURNMENT

Motion #16 by Trustee Baker, seconded by Trustee Nyberg, noting that there being no further business to come before the Board declared that the meeting be adjourned at 11:28 PM. Motion carried.

Respectfully submitted:



Mayor, Joel Benson



Town Clerk, Diane Spomer